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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,926	09/30/2003	Gregory Scott Clark	215.1021.02	2366
22883	7590	02/23/2009		
SWERNOFSKY LAW GROUP PC 548 MARKET ST. SAN FRANCISCO, CA 94104			EXAMINER HAMILTON, LALITA M	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 02/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,926

Applicant(s)

CLARK ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 14-16 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 14-16, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination (RCE)

The RCE filed on October 20, 2008 has been processed. A non-final follows.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The use of modules is directed to non-statutory subject matter. The subject matter must fall into one of the statutory classes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 14-16, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gil (2002/0188513).

Gil discloses a method and corresponding system and module for supply chain management comprising electronic supply chain management and collaborative planning, a plurality of hubs, remotely coupled to each other, a supply chain information stored in a database coupled to each said hub, wherein said set of supply chain

information is owned by business entities relatively proximate to each said hub; a set of regional authorities controlling access to said supply chain information, a first server coupled to at least one of said hubs, wherein said first server is dedicated to process a first message type that requires access to and processing of said supply chain information stored in said database, a second server coupled to said at least one of said hubs, wherein said second server is dedicated to process a second message type that does not require access to and processing of said supply chain information stored in said database and a computer program coupled to said at least one of said hubs to receive a message generated from a client device identifying a transaction, to determine whether said message requires access to and processing of said supply chain information stored in said database based on said transaction, to send said message to said first server when said message is determined to be said first message type, and to send said message to said second server when said message is determined to be said second message type (para. 51-58 and 85-97); wherein at least one hub is designated as a said regional authority to control synchronization of said set of supply chain information stored at other said hubs (para. 51-58 and 85-97); set of supply chain information is synchronized by restricting which hub in said plurality of hubs can perform a write operation to the set of information (para. 51-58 and 85-97); regional authority includes a token, wherein said token permits said regional authority to exercise control (para. 51-58 and 85-97); the designation of said regional authority is determined by at least one of the following: (1) subnet location, (2) class of goods, (3) proximity to a valued client~ and (4) network locations as measured by geography or network location

(para. 51-58 and 85-97); the designation of said regional authority is responsive to which hub in said plurality of hubs is experiencing more business activity than other hubs in said plurality of hubs (para. 51-58 and 85-97); business activity is measured by at least one of the following: (1) number of transactions, (2) number of units being traded, and (3) monetary value of transactions (para. 51-58 and 85-97); supply chain information regards an electronic transaction performed by said hub or a business entity that conducts business using said hub (para. 51-58 and 85-97); receiving messages from at least one client device at a software module of a local hub, said software module executable by a processing device, said local hub coupled to a database of information regarding supply chain management, parsing each of said messages and determining whether each message requires access to and processing of information stored in said database, separating each of said messages into a first type of message or a second type of message wherein said first type of message requires access to and processing of information stored in said database processing, and said second type of message does not require access to and processing of information stored in said database, sending said first type of message to a heavyweight server, wherein said heavyweight server accesses information stored in said database, processes said first type of message and said information stored in said database, and transmits data resulting from the processing of said first type of message and said information stored in said database and sending said second type of message to a lightweight server, wherein said second type of message is transmitted from said lightweight server without accessing and processing information stored in said database

(para. 51-58 and 85-97); performing a series of calculations and storing a result in said database (para. 51-58 and 85-97); receiving messages from a user at a local hub, said local hub coupled to a database of information for supply chain management, parsing each of said messages and determining whether each message requires access to and processing of information stored in said database a relative complexity of tasks associated with said messages, separating each of said messages into a first type of message or a second type of message, wherein said first type of message requires access to and processing of information stored in said database processing, and said second type of message does not require access to and processing of information stored in said database processing, sending said first type of message to a heavyweight server, wherein said heavyweight server accesses information stored in said database, processes said first type of message and said information stored in said database, and transmits data resulting from the processing of said first type of message and said information stored in said database first type of message is processed and transmitted from said heavyweight server sending said second type of message to a lightweight server, wherein said second type of message is transmitted from said lightweight server without accessing and processing information stored in said database (para. 51-58 and 85-97); instructions for receiving and processing said first type of message with said information stored in said database a set of information at said heavyweight server (para. 51-58 and 85-97); instructions for performing a series of calculations and storing a result in said a database (para. 51-58 and 85-97); a plurality of local hubs, remotely coupled to each other, each of said plurality of local hubs including: a database to store

supply chain information, wherein said supply chain information is owned by business entities relatively proximate to each said local hub, a heavyweight server to process a first type of message that requires access to and processing of said supply chain information stored in said database, and a lightweight server to process a second type of message that does not require access to and processing of said supply chain information stored in said database, a first regional authority corresponding to one of said plurality of local hubs for controlling access to said supply chain information in databases associated with a first group of said plurality of local hubs, a second regional authority corresponding to another one of said plurality of local hubs for controlling access to said supply chain information in databases associated with a second group of said plurality of local hubs, and a communication network to communicate between said first regional authority and said second regional authority, wherein said first regional authority requests instructions for obtaining data under control of said second regional authority (para. 51-58 and 85-97); wherein said one of said plurality of local hubs is designated as said first regional authority and said other one of said plurality of local hubs is designated as said second regional authority based on factors selected from a group consisting of a physical region in which said first and second groups of said plurality of local hubs are located, a class of goods in databases associated with said first and second groups of said plurality of local hubs, a subnet location, a proximity to a valued client, and a network location as measured by a ping time (para. 51-58 and 85-97); a plurality of local hubs, remotely coupled to each other via a communication network and each including: a database to store a set of information, wherein said set of

information is owned by business entities relatively proximate to each said hub, a first server to process a first message type that requires access to and processing of said information stored in said database, a second server to process a second message type that does not require access to and processing of said information stored in said database for simple task, and a computer program executable by at least one of said first and second servers in response to a message from a client device identifying a transaction, to determine whether said message is said first message type or said second message type based on said transaction, to send said message to said first server when said message is determined to be said first message type, and to send said message to said second server when said message is determined to be said second message type (para. 51-58 and 85-97); and a given regional authority of said set of regional authorities has authority over said at least one of said hubs, and the computer program submits the message to said given regional authority in order to write data from said message to said database (para. 51-58 and 85-97).

Response to Arguments

Applicant's arguments with respect to claims 1-9, 14-16, and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691